REMARKS

This Response, submitted in reply to the Office Action dated May 25, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-16 are pending in the present application. Claims 2-6, 8-12, and 14-16 have been deemed allowable.

I.   Claim Objections

The Examiner objected to claims 4-5, 10-11 and 15-16 for containing informalities.

Claim 4 stands objected to because the Examiner asserts that the occurrence of "a first threshold" should be changed to "the first threshold" as recited in claim 3. However, Applicant submits that claim 4 is dependent upon claim 2 and not claim 3. Therefore, Applicant submits that the current language of claim 4 is correct.

Claim 5 is objected to because the Examiner asserts that the occurrence of "a first threshold" and "a second threshold" should be changed to "the first threshold" and "the second threshold". However, Applicant submits that claim 5 is dependent upon claim 2 which does not recite "a first threshold" and "a second threshold." Therefore, Applicant submits that the current language of claim 5 is correct.

Claim 10 is objected to because the Examiner asserts that the occurrence of "a corresponding receiver", "a first threshold" and "a second threshold" should be changed to "the corresponding receiver", "the first threshold" and "the second threshold". However, Applicant submits that claim 10 is dependent upon claim 8 and the recitation of "a corresponding receiver", "a first threshold" and "a second threshold" is first recited in claim 10, therefore, the current language of claim 10 is correct.

Claims 15 and 16 have been objected to for similar reasons. However, Applicant submits that the recitations of claims 15 and 16 are appropriate based on the claims which they are dependent upon.

In view of the foregoing, Applicant submits that the objection to the claims should be withdrawn.

II. Rejection of claims 1 and 13 under 35 U.S.C. § 103

Claims 1 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aweva et al. (U.S. Patent No. 6,894,974; hereinafter "Aweva") in view of Hayakawa (U.S. Patent No. 5,042,029; hereinafter "Hayakawa").

Claim 1 recites, *inter alia*:

> a multiplexer for multiplexing and transmitting to the transmitter the response signals transmitted from the receiver, and transmitting the transmitted data packets from the transmitter to a corresponding receiver, **the multiplexer provided with a queue status monitor for** monitoring a queue status of at least one of the transmitted data packets and the response signals, and **a congestion control adjuster for instructing the receiver to hold or compress the response signals** based on the monitored queue status.

The Examiner asserts that multiplexer 50 of Aweva teaches the claimed multiplexer. However, the multiplexer 50 does not include the q monitor 84 (queue status monitor as cited by the Examiner). The q monitor 84 is part of the processor circuit 60 and not the multiplexer 50. Therefore, the multiplexer 50 of Aweva is not provided with a queue status monitor, as claimed.

The Examiner concedes that Aweva does not teach the claimed congestion control adjuster and cites Hayakawa, col. 1, line 56-68, to cure the deficiency. The aspect of Hayakawa cited by the Examiner discloses a congestion control method in which packets are sent from a source terminal in response to an acknowledgement packet from a destination terminal signaling

correct receipt of previous packets from the source terminal. The method detects if traffic congestion occurs in the system and introduces a delay between receipt of an acknowledgement packet by the system from the destination terminal and subsequent transmission of the acknowledgement packet from the system.

However, Hayakawa appears to merely disclose detecting if traffic congestion occurs in the system and if traffic congestion occurs, then a delay is introduced between receipt of an acknowledgement packet by the system from the destination terminal and subsequent transmission of the acknowledgement packet from the system. There is no teaching or suggestion that a congestion control adjuster for instructing the receiver to hold or compress the response signals is <u>based on a monitored queue status</u>, as claimed. In addition, there is no teaching or suggestion that a multiplexer is provided with a congestion control adjuster.

Therefore, assuming Hayakawa could be combined with Aweva, the combination would not teach all of the claimed elements. Consequently, claim 1 should be deemed allowable. To the extent claim 13 recites similar elements, it should be deemed allowable for at least the same reasons.

III.   Rejection of claim 7 under 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hadi Salim et al. (U.S. Patent No. 6,535,482; hereinafter "Hadi Salim") in view of Hayakawa.

> Claim 7 recites, *inter alia*:
> ```
>       a gateway for arbitrating a communication protocol
> between the transmitter and the private network, the
> gateway provided with a queue status monitor for monitoring
> a queue status of at least one of the transmitted data
> packets and the response signals, and a congestion control
> adjuster for instructing the receiver to hold or compress
> the response signals based on the monitored queue status.
> ```

The Examiner asserts that Hadi Salim teaches the claimed gateway except for the congestion control adjuster, citing col. 2, lines 47-58 of Hadi Salim in support. The aspect of Hadi Salim cited by the Examiner discloses a packet routing apparatus including a congestion monitor for determining a degree of congestion at the routing apparatus. The Examiner appears to be citing the congestion monitor of Hadi Salim for teaching the claimed queue status monitor.

The Examiner concedes that Hadi Salim does not teach the claimed congestion control adjuster and cites Hayakawa to cure the deficiency. As discussed above, Hayakawa discloses a congestion control method in which packets are sent from a source terminal in response to an acknowledgement packet from a destination terminal signaling correct receipt of previous packets from the source terminal. The method detects if traffic congestion occurs in the system and introduces a delay between receipt of an acknowledgement packet by the system from the destination terminal and subsequent transmission of the acknowledgement packet from the system.

However, Hayakawa appears to merely disclose detecting if traffic congestion occurs in the system and if traffic congestion occurs, then a delay is introduced between receipt of an acknowledgement packet by the system from the destination terminal and subsequent transmission of the acknowledgement packet from the system. There is no teaching or suggestion that a congestion control adjuster for instructing the receiver to hold or compress the response signals is based on a monitored queue status, as claimed.

In addition, there is no teaching or suggestion of a gateway provided with a queue status monitor and a congestion control adjuster as claimed.

Therefore, assuming Hayakawa could be combined with Hadi Salim, the combination would not teach all of the claimed elements. Consequently, claim 7 should be deemed allowable.

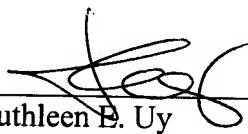### IV. Allowable Subject Matter

The Examiner has indicated that claims 2-6, 8-12 and 14-16 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 2-6, 8-12 and 14-16 in independent form since Applicant believes they will be deemed allowable by virtue of their dependency to claims 1, 7 and 13 for at least the reasons set forth above.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: August 22, 2007